IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11272 of 2004

Between:

Indurthi Raghava Reddy S/o Ranga Reddy R/o Thimmapuram Village, Aravapally (Jajireddy gudem) Mandal Nalgonda District

..... PETITIONER

AND

1 Nagi Reddy Sreenivas Reddy S/o Laxminarasimha Reddy
Dasaigudem Suryapet Mandal, Nalgonda District
2 Smt. Nagireddy Sudha W/o Nagireddy Srinivas Reddy
Dasaigudem Suryapet Mandal, Nalgonda District
3 Indurthi Sudheer Reddy S/o Late Ananatha Reddy
Thimmapuram , Aravapally (Jajireddy Gudem) Mandal , Nalgonda District
4 The Mandal Revenue Officer Surya peta Mandal , Nalgonda District
5 The District Collector Nalgonda , Nalgonda District
6 The Project Director District water Management Agency ,
Nalgonda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus by declaring the inaction of the respondents 4 to 6 in not taking action for closing the bore well and seizing of the equipment used by the respondents 1 to 3 in their land in Survery No.176 of Yalkaram Village, Suryapet Mandal, Nalgonda District as illegal, arbitrary and violative of the provisions of the AP. Water , Land and Trees Act, 2002 and also violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents 4 to 6 to take immediate action for closure

of the bore well and seizure of the equipment used by the respondents 1 to 3 in their land in Survey. No.176 of Yalkaram Village, Suryapet Mandal, Nalgonda district

Counsel for the Petitioner: MR.V.AJAYAKUMAR

Counsel for the Respondents 4 to 6: GP FOR REVENUE

Counsel for the Respondents 1 to 3: -----

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner, aggrieved by the inaction of the official respondents in closing the bore well dug by the unofficial respondents 1 to 3 in the land situated in Survey No.176 of Yalkaram Village, Suryapet Mandal, Nalgonda District.

2. According to the petitioner, he is the owner and possessor of the land admeasuring Ac.4.20 guntas situated in Survey No.176 of the same village. For the purpose of agricultural operations, the petitioner dug a bore well in the year 2000 in the above mentioned land and was carrying on the agricultural operations. While so, the respondents 1 to 3 dug a bore well on 20.05.2002 in spite of the objections raised by the petitioner, as the said bore well was within the prohibited distance of 250 metres from the bore well of the petitioner. Immediately thereafter, the petitioner made representations to the official respondents. In pursuance of the petitioner's representations, the official respondents in fact, issued notice dated 12.08.2003, to the first respondent, directing him to close the bore well. In spite of it, the first respondent did not close the bore well and thereafter, even the official respondents also did not take further action though the notice dated 12.08.2003 contemplates for taking of further steps under the provisions of the A.P. Water, Land and Tress Act, 2002 (for short 'the Act') to close down the bore well, if the first respondent fails to close down the same. The said inaction of the official respondents is assailed in the present writ petition.

3. At the time of hearing, the learned counsel for the petitioner also represented that the similar matter in W.P.No.9589 of 2003 is also disposed of by this Court at the admission stage, directing the authorities to pass appropriate orders within the reasonable time.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

5. The grievance of the petitioner is that the unofficial respondents have dug the bore well in their land, contravening the provisions of the Act by digging the bore well within the distance of 250 metres from the petitioner's bore well. Though the petitioner raised objection, the unofficial respondents did not care for the said objection, but proceeded to dig the bore well. Therefore, the petitioner made representations to the official respondents. Thereafter, though the official respondents i.e., Mandal Revenue Officer issued notice dated 12.08.2003 to the first respondent for closing down the bore well, the first respondent failed to comply with the said direction of the Mandal Revenue Officer-fourth respondent. Subsequently, no further action has been taken on the part of the fourth respondent. Therefore, the petitioner has come up with the present writ petition.

6. In view of the above circumstances and facts stated above, the writ petition is disposed of, directing the official respondents to take appropriate action in pursuance of the representations of the petitioner, by passing appropriate orders within a period of two weeks from the date of receipt of a copy of this order. No costs.

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06.07.2004

VGB

To

1 The Mandal Revenue Officer Surya peta Mandal , Nalgonda District
2 The District Collector Nalgonda , Nalgonda District
3 The Project Director District water Management Agency ,
Nalgonda, Nalgonda District.

4 Two CCs to the Govt. Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)

5 Two CD copies.